

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3716

IN THE MATTER OF:

Served May 2, 1991

Issuance of Certificate of)
Authority No. 122 to DIAMOND)
TRANSPORTATION SERVICES, INC.)

Case No. MP-91-02

Diamond Transportation Services, Inc., holds Certificate of Public Convenience and Necessity No. 122, issued pursuant to the Compact 1/, Title II, Article XII, Section 4. On February 1, 1991, an amended Compact 2/ became effective. The amended Compact, Title II, Article XI, Section 6 provides:

"6. (a) A person may not engage in transportation subject to this Act unless there is in force a 'Certificate of Authority' issued by the Commission authorizing the person to engage in that transportation.

"(b) On the effective date of this Act a person engaged in transportation subject to this Act under an existing 'Certificate of Public Convenience and Necessity' or order issued by the Commission shall be issued a new 'Certificate of Authority' within 120 days after the effective date of this amendment.

"(c)(i) Pending issuance of the new Certificate of Authority, the continuance of operations shall be permitted under an existing certificate or order issued by the Commission which will continue in effect on the effective date of this Act.

"(ii) The operations described in paragraph (i) of this subsection shall be performed according to the rates, regulations, and practices of the certificate holder on file with the Commission on the effective date of this Act.

The amended Compact, Title II, Article XI, Section 9(b) provides:

A certificate issued by the Commission authorizing irregular-route service shall be coextensive with the Metropolitan District.

1/ Public Law 86-794, 74 Stat. 1031, as amended by Public Law 87-767, 76 Stat. 764.

2/ Id. as amended by Public Law 101-505, 104 Stat. 1300.

Certificate of Public Convenience and Necessity No. 122 issued to Diamond Transportation Services, Inc., authorizes only irregular route transportation. Accordingly, Diamond Transportation Services, Inc., is entitled to be issued a Certificate of Authority authorizing irregular route transportation coextensive with the Commission's jurisdiction in the Washington Metropolitan Area Transit District. Certificate of Authority No. 122 will supersede Certificate of Public Convenience and Necessity No. 122.

Evidence of insurance on file with the Commission covering the operations of Diamond Transportation Services, Inc., shows coverage only in the amount required for vehicles with a manufacturer's designed seating capacity of 15 persons or fewer, including the driver. Therefore, Certificate of Authority No. 122 will be so restricted. Such restriction is without prejudice to the right of Diamond Transportation Services, Inc., to file an appropriate application to have the restriction removed upon the filing of proper evidence of insurance covering the operation of larger vehicles.


The certificate of insurance on file with the Commission covering the operations of Diamond Transportation Services, Inc., is currently acceptable for the restricted operations authorized by Certificate of Public Convenience and Necessity No. 122. However, the coverage afforded by that certificate of insurance is not adequate for operations authorized by Certificate of Authority No. 122. The Compact, Title II, Article XI, Section 6(b) requires that Certificate of Authority No. 122 be issued no later than June 1, 1991, and Certificate of Public Convenience and Necessity No. 122 will then be invalid. Accordingly, Diamond Transportation Services, Inc., will be directed to file a new certificate of insurance in accordance with Commission Regulation 58 no later than Thursday, May 30, 1991, so that Certificate of Authority No. 122 can be issued to authorize continued operations. Failure timely to file the required evidence of insurance will result in simultaneous issuance and suspension of Certificate of Authority No. 122 on Friday, May 31, 1991, and the carrier will not be authorized to conduct operations.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 122 is hereby conditionally issued to Diamond Transportation Services, Inc., as appended to this order, contingent upon timely compliance with the requirement of this order.
2. That Diamond Transportation Services, Inc., is hereby directed to file with the Commission, on or before Thursday, May 30, 1991, a certificate of insurance in accordance with Commission Regulation No. 58 and Order No. 3623, served March 8, 1991.
3. That upon timely compliance with the requirement of the preceding paragraph, Certificate of Authority No. 122 will be issued to Diamond Transportation Services, Inc., and Certificate of Public Convenience and Necessity No. 122 will stand cancelled in its entirety.

4. That unless Diamond Transportation Services, Inc., timely complies with the requirement of this order, Certificate of Authority No. 122 will be both issued and suspended effective Friday, May 31, 1991, and Certificate of Public Convenience and Necessity No. 122 will stand cancelled in its entirety effective Friday, May 31, 1991.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CERTIFICATE OF AUTHORITY

NO. 122

Diamond Transportation Services, Inc.
3025 Mount Vernon Avenue
Alexandria, Virginia 22305

By Order Nos. 3520 and 3716 of the Washington Metropolitan Area Transit Commission issued June 22, 1990; and May 2, 1991;

WHEREAS, the above-named carrier is entitled to receive authority to transport passengers within the Washington Metropolitan Area Transit District;

THIS CERTIFICATE OF AUTHORITY is hereby issued to the said carrier as evidence of the authority to engage in the for-hire transportation of passengers by motor vehicle; subject, however, to such terms conditions and limitations as are now, or may hereafter be, attached to the exercise of the privilege granted to the said carrier:

IRREGULAR ROUTES, transporting passengers, together with their baggage in the same vehicles as passengers, between points in the Washington Metropolitan Area Transit District;

RESTRICTED TO (1) operations conducted according to the said carrier's applicable tariff on file with the Commission and (2) transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver;

RESTRICTED AGAINST (1) transportation solely within the Commonwealth of Virginia and (2) any passenger transportation for hire on an individual fare paying basis in competition with any existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the Federal Government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority.

THIS CERTIFICATE OF AUTHORITY DOES NOT AUTHORIZE ANY TRANSPORTATION BY ANY PERSON OTHER THAN THE CARRIER NAMED HEREON.

THIS CERTIFICATE OF AUTHORITY IS NOT VALID UNLESS THE CARRIER NAMED HEREON IS IN COMPLIANCE WITH THE INSURANCE REQUIREMENTS OF THE COMMISSION.

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Diamond Transportation Services, Inc.
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IT IS A FURTHER CONDITION of this certificate of authority that the carrier named hereon shall (a) provide safe and adequate transportation service, equipment, and facilities; and (b) observe and enforce Commission regulations.